

REMARKS

Claims 1-4 and 6 were pending in the application. Claims 2 and 6 were withdrawn. Claim 1 has been amended. No claims have been cancelled. Claims 7-9 have been added. Therefore, claims 1-4 and 6-9 are pending and submitted for reconsideration.

Double Patenting

Claim 1 is provisionally rejected on the ground of non-statutory double patenting over claims 1, 5, and 6 of co-pending Application No. 10/873,129 (“the ‘129 application”). At this time, the ‘129 application is still pending and, therefore, no action is necessary.

35 U.S.C. § 103 Rejection – Babbs & Aoki

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03-118255 (“Babbs”) in view of U.S. Patent No. 6,069,325 (“Aoki”). The rejection should be withdrawn at least because the references, taken together or separately, fail to disclose, teach or suggest the claimed recitations.

The rejection should be withdrawn at least because Babbs and Aoki, taken together or separately, fail to disclose, teach, or suggest a seat belt device that comprises, among other things, “a hitch member [that] is attached to either one of said vehicle seat fixed to the vehicle body or said seat weight sensor fixed to the vehicle body, the hitch member being *immovable*” as called for by amended claim 1. The hitch member is attached to either the vehicle seat or the seat weight sensor and, because of this attachment location, the seat weight sensor is not influenced by the tension of the seat belt and a compensation system is not required. *See* Application at ¶ [0056]. The Examiner contends that Babbs discloses a hitch member (slide bar 24) that is attached immovably to with respect to the vehicle seat. *See* Office Action at p. 3. The Examiner states that there is no relative movement between the slide bar (24) and the vehicle seat. *See* Office Action at p. 5. Claim 1, as amended, calls for the hitch member to be “immovable.” Clearly, the slide bar (24) of Babbs moves. *Compare* Babbs at Fig. 2 *with* Babbs at Fig. 4. Aoki does not cure the deficiencies of Babbs. Aoki merely discloses a seat weight measuring apparatus. Therefore, the rejection of claim 1 is respectfully requested to be withdrawn.

35 U.S.C. § 103 Rejection – Yamamoto & Aoki

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,667,980 (“Yamamoto”) in view of Aoki. The rejection should be withdrawn at least because the references, taken together or separately, fail to disclose, teach or suggest the claimed recitations.

The rejection should be withdrawn at least because Yamamoto and Aoki, taken together or separately, fail to disclose, teach, or suggest a seat belt device that comprises, among other things, “a hitch member [that] is attached to either one of said vehicle seat fixed to the vehicle body or said seat weight sensor fixed to the vehicle body, the hitch member being *immovable*” as called for by amended claim 1. Furthermore, the references, taken together or separately, fail to disclose, teach, or suggest a seat belt device that comprises, among other things, a hitch member that “comprises an immovable slide bar” as called for by claim 4.

According to the Office Action, Yamamoto discloses an immovable hitch member (40) attached to either one of the vehicle body, vehicle seat, or a seat weight sensor. *See* Office Action at p. 4. Reference numeral 40 refers to a guide rail. A seat belt anchor (36) is attached, via a runner (42), to the guide rail (40). The guide rail (40), however, is clearly movable. For example, Yamamoto states that “the guide rail 40 which is made integral with the seat 50 is made movable on a slide base 80 by a bracket 78.” Yamamoto at col. 3, lines 7-14. Furthermore, Figure 5 of Yamamoto illustrates the guide rail (40) moving. Therefore, the rejection of claims 1 and 4 is respectfully requested to be withdrawn.

Claim 3 depends from claim 1, and new claims 7-9 depend from claims 1 or 4 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Conclusion

Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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